

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

July 7, 2010

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:05 a.m. on Wednesday, July 7, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Jodi Tronsgard, Grant Coordinator, Corrections; Mr. Ron Holt, Assistant County Manager; Mr. Joe Thomas, Senior Purchasing Agent, Purchasing; Ms. Kristi Zukovich, Director, Communications; Mr. Kelly B. Arnold, County Clerk; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Mr. Charles Peaster, Appointee, Sedgwick County Nuisance Appeals Board

INVOCATION

Led by Pastor Joe Skillen, Asbury United Methodist Church, Wichita

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Welshimer was absent.

APPOINTMENT

- A. RESOLUTION REAPPOINTING CHARLES H. PEASTER, SR. (COMMISSIONER PARKS' REAPPOINTMENT) TO THE SEDGWICK COUNTY NUISANCE APPEALS BOARD.**

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "This is a three-year appointment and I recommend you adopt this resolution."

MOTION

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Commissioner Parks moved to adopt the Resolution.

Chairman Peterjohn seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Chairman Peterjohn said, “I see Mr. Peaster present, so if the County Clerk would come up and we can administer the oath and get Mr. Peaster sworn in.”

Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said, “Raise your right hand, and when I’m done, say I do.

“I do solemnly swear that I will support the Constitution of the United States...”

Mr. Charles Peaster, Appointee, Sedgwick County Nuisance Appeals Board, greeted the Commissioners and said,

“I do solemnly swear I’ll support the Constitution of the United States...”

Mr. Arnold said,

“...and the Constitution of the State of Kansas...”

Mr. Peaster said,

“...and the Constitution of the State of Kansas...”

Mr. Arnold said,

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“...and faithfully discharge the duties of office of the Sedgwick County Nuisance Appeals Board...”

Mr. Peaster said,

“...and faithfully discharge the duty of the office of the Nuisance Appeals Board...”

Mr. Arnold said,

“...so help me God.”

Mr. Peaster said,

“...so help me God.”

Mr. Arnold said, “Congratulations.”

Mr. Peaster said, “Thank you.”

Chairman Peterjohn said, “A few words for us, Charlie?”

Mr. Peaster said, “Yes, sir. First of all, I would like to thank Commissioner Parks for believing that I could perform this job. In five years, I've been told we've only had one case that I know of, in five years, that's what I've been told. And hopefully that it turned out best for, I was also a part of that, and it turned out amiable for both parties; the Sedgwick County and the person involved, so here again I'd like to thank Commissioner Parks for reappointing me to this, and you Commissioners for going along with Commissioner Parks' recommendation.”

Chairman Peterjohn said, “Okay. Just wait a minute, Commissioners Parks has a few words.”

Commissioner Parks said, “Yeah, I'd like to thank Mr. Peaster for serving in this position, also. Even though you may not be meeting frequently, I think it's important that we have this board for the checks and balances with citizens and government. Thank you.”

Mr. Peaster said, “Thank you.”

Chairman Peterjohn said, “Thank you. Next item.”

NEW BUSINESS

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B. KANSAS JUVENILE JUSTICE AUTHORITY (JJA) SFY11 JUVENILE ACCOUNTABILITY BLOCK GRANT (JABG) AWARD.

Ms. Jodi Tronsgard, Grant Coordinator, Corrections, greeted the Commissioners and said, “In March, the Sedgwick County Department of Corrections submitted our annual Juvenile Accountability Block Grant application to the Kansas Juvenile Justice Authority. The block grant is a federally funded initiative designed to provide assistance to units of local government to develop programs to strengthen the juvenile justice system. We have now received an award letter from the state indicating that Sedgwick County will receive \$36,949. That will be used to partially fund the Weekend Alternative Detention Program for this fiscal year, SFY11 (state fiscal year 2011). There is a required 10 percent local cash match, which has been planned for in the county budget.

“As you heard last week from Chris Morales, state block grant funds will cover the remainder of the budget for a total program budget of \$66,270. As I said, this grant will be used to support the Weekend Alternative Detention Program. This is a two-day program developed as an alternative to 24 hour secure detention for juveniles. The goals of the program are to hold juveniles accountable and to increase their skills to avoid further court order violations. Team Justice approved the application on March 5th. The Sedgwick County Grants Coordinating Committee approved the application as well. We request that you accept the grant award and authorize the Chairman or designee to sign all necessary documentation, including the grant award agreement. I’ll be happy to answer your questions.”

MOTION

Commissioner Norton moved to accept grant award and authorize the Chair or designee to sign all necessary documentation, including the grant award agreement containing substantially the same terms and conditions as the application and approve establishment of budget at the time the grant award documents are executed.

Commissioner Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Chairman Peterjohn said, “Thank you.”

Ms. Tronsgard said, “Thank you.”

Chairman Peterjohn said, “Next item.”

C. MONTHLY INTRUST BANK ARENA REPORT.

Chairman Peterjohn said, “We’ll recognize Mr. Holt.”

VISUAL PRESENTATION

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, “And I’m here this morning to give you the fourth report on the Intrust Bank Arena. Again, I’ve included some slides here, which I will go over pretty quickly because they are there for reference and information purposes rather than spending any specific time on them. Our discussion points each month is the SMG agreement, and again, we just keep one short segment in there about the arena management business. The focal point of the discussion points on the agreement is contract administration. Then I want to talk to you about the current data on the Arena [Event] Parking Coordination Agreement and the results there for the month of May and through the month of May. Then the Arena Transit Services Coordination Agreement, and then, again, we will continue to highlight the Arena Sales Tax reserves. The point that we just continue to make on the arena management business is that there is a hierarchy of power when it comes to promoting and delivering acts: the artists, the manager, the agent, the promoter, and the building is on the bottom end of that. The building really provides the space and location in response to the request of all of those other folks in that line of power. And, as such, the gross ticket sales for each event are maintained, basically, by all of those groups beyond the building. Although, some of those gross ticket sales are spent in this community for advertising, for additional staffing and that sort of thing. And plus, of course, those events that come to town use hotels and food services in the community as well.”

“Events, again, are typically booked in one of these ways, and that bottom bullet is really the focal point here, is that relationship and opportunity for the promoter to make money are ultimately what brings a show to Wichita. Now, moving on to the contract administration piece, it’s really what we’re here to talk about today, with a focal point, again, on that bottom bullet there, the monthly reports, community affairs and the financial summary. Just a reminder of who the project management team is for the county, and then the team for the Intrust Bank Arena is the General

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Manager, and as you received notice from Gary Desjardins yesterday, and I think it was in the news last night and this morning, a new General Manager has been announced for the Intrust Bank Arena; AJ Boleski who will come to us on July the 26th. He comes from Huntington, West Virginia. He's a Topeka native. His wife is from Goodland, Kansas. He's been in the arena management business some nine years now. The last four, four and a half years in Huntington, West Virginia. Before that, he spent about three years in Canton, Ohio, and he started in the arena management business at the ExpoCentre in Topeka. So he comes with a great deal of experience, comes with a Kansas background, and most important, I think, or as important, he comes with a passion for this industry and a real desire to work with us here in this community to make the Intrust Bank Arena become all it can be, and is desired to be.

“The goals and objectives for the contract that we have with Intrust Bank Arena, with SMG, it's a very unique contract, and again, we continue to remind you, and ourselves and the community that SMG is responsible for any net operating losses incurred during any fiscal year of the contract period, and that, we believe, is in the spirit of what was promised to the voters when they voted on the sales tax, is that we would work very hard to minimize any use of that sales tax for the operation of the arena, although it is there if we need it. In fact, to make sure that we don't have to go back to the voters, to the citizens, for any additional funding for arena operations or capital improvements. And we think we are well on the way of being able to fulfill that. Especially helpful is the nature of this contract. Contract started on January 2nd of this year, and it's a full five years, and so it runs through 12/31/2015. Of course, there is an out-clause in the contract for either party with certain stipulations, and we would think that that would not happen, but it is there in protection of both of the interests of both parties. Again, it is a unique agreement. That's the outline of how the income over expenses, any net income would be shared. The big issue here, of course, is if there are any operating losses, SMG gets to absorb those in any given year. These are the other components of the agreement. Again, that first bullet point is why I'm here this morning. It's the monthly report that we received, the 25th of June for May that we're presenting to you today on May activities and finances.”

Mr. Holt continued, “So let's get to the numbers. In the community affairs portion of the report, we talk about event attendance and ticket sales, employee wages and benefits, community groups that work at the arena, and how they are being supported, and then upcoming events. The May report for community affairs, you see there that there were six events, eight performances. The PBR (Professional Bull Riders) had two performances, and Star Wars [In Concert] two performances. PBR on two different days. The performances for Star Wars both were on the same day. The total attendance for all six of those events, eight performances, was 43,763, for an average attendance per

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performance of 5,470. The gross ticket sales, you can see the individual events there, but for all of the events and performances; \$2,073,019, for an average cost per ticket sold of \$50.05. And you see there were three concerts there; the Nickelback, Daughtry, Brooks and Dunn concerts noted there.

“Through May, then, 53 performances, January through April, an additional eight performances in May, for a total of 61 performances January through May. The attendance for all 61 of those performances; 288,604, for an average attendance per performance of 4,731. You'll remember there were like seven Walking with Dinosaurs performances, and so anytime you have that multiple number of performances for an event, it is going to bring your average attendance down, but it gives people plenty of opportunity to see the event. Total tickets sold for all of the 61 performances; 263,702, for gross ticket sales amounting to \$9,770,654, with an average ticket price, that includes concerts, the PBR, the family shows, all of those averaged together; \$37.05.

“Moving on to other aspects of how the Intrust Bank Arena is having an impact on the community. The net employee wages and benefits for the month of May; \$234,496. Full-time employment for the month was 44 folks. Part-time employment; 425 for the month of May. A total of \$1,288,713 is the net employee wages and benefits, that's January 2nd, 2010, through the end of May 2010. The full-time employees has fluctuated one or two per month, but it's been as low as 44, as high as 49 in any given month over the last five months. Part-time employees fluctuated between 392 and 441 January through May. Total number of community groups volunteering in concession stands in May was 14. During the month of May, \$40,207 was paid to these groups for volunteering in concession stands for the use in their community service efforts. Spending with Sedgwick County and Kansas companies in May was \$225,800. There were three either arena presentations or arena tours for the month of May, and there was one local event or activity for May at the arena. January through May, the total number of community groups volunteering in concession stands was 61. Now, of course, some of those groups volunteer more than one time. As a matter of fact, many of them multiple times, and so that's not 61 separate groups, but it's 61 opportunities for groups to have volunteered, with a total of \$170,820 paid to those groups for their volunteer services, which goes to support their organizations.”

“Spending with Sedgwick County or Kansas companies; \$1,290,357. This is spending that is directly from the arena to these companies. Of course, many times the promoters do their own advertising for certain events and so forth, and so it doesn't include any kind of advertising or other kind of spending that the promoter or the acts themselves would have spent. For instance, the hotel rooms, the restaurant charges and those sorts of things were not included in those numbers. There were seven pre-opening events during this year. Of course, as you note there, we had four additional pre-opening events that were held in December. Arena presentations or arena tours, January through May 27th, prior to the beginning of the year, 31 groups were provided arena tours by the arena group throughout 2009. Local events and activities, January through May, were five.

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“The upcoming events, in June, there were 4 events, 10 performances in July. There are two events and two performances coming up. August; three events, three performances. October; one event, one performance, and in November; one event with five performances. Of course, the arena folks tell us they are continuing to aggressively pursue other acts to come into the community and we look forward to additional announcements coming up. Again, that's the community activity summary, moving now to the financial summary part of the report. We take a look at the financial summary by event category, by the number of performances, the number of events, the direct event income, the food and beverage merchandise, any other net income, which gives us a gross building income, and a part of that gross building income would be the other operating income as well.

“So you see that we had four concerts in May, two family shows, two sporting events, no hockey, one other event, local event, for a total of nine performances. Seven events, nine performances in the month of May. The direct income; \$83,968. You note there that even though there was no Thunder hockey game in May, you do see some financial activity under event income, and food and beverage there, that's related to the hockey, that was a final accounting of their season that didn't get on the books in April that's just being finalized here in the May financial time period. The total monthly totals, direct income, again; \$83,968. Net food and beverage; \$261,561. Other net income; \$332,134. The other operating income; \$106,832, for a monthly total of \$677,663. The building operating expenses; \$386,883. You will note there, if you recall, we've been running 405, 409 to one month, 440 some thousand dollars in building operating expenses. Those were reduced in May as the folks over there get more experienced in operating the arena, those would come down some. Also, early on there were three expense items for buying additional supplies and so forth that was needed that were included in some of those earlier totals. So we're still looking at around \$400,000 a month to operate the arena. The net building income then for the month of May; \$397,612. Again, a very good month.”

Mr. Holt continued, “If you take the five months total, I won't go through each of those, but you see that we've had 66 performances, including I mentioned on one of the other slides 61, but here we're including the other, which are the local events, and there are five of those. So if you include the local events, 66 performances, for 41 events with 66 performances; \$436,402 in direct event income, \$1,260,374 food and beverage income, \$1,521,785 in other net income with \$529,440 in other operating income, for a year-to-date total income of \$3,218,561. Year-to-date building operating expenses; \$2,109,147, so the net building income; \$1,638,854. The first five months have been very, very good months, and I think the arena being available, the kinds of acts that have been brought here, the folks in the area have responded by buying tickets and attending the events.

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“Moving, then, to our parking and transit services agreements with the City of Wichita, again, these are the various aspects of the components of the [Arena Event] Parking Coordination Agreement. Those are the goals and objectives and the terms of the agreement with the effective date December 1, 2009, through this year. These are the services that are being provided there. We focus, from the Arena Event Parking Plan, on Lots A, B, C and D. As you know, a major component of why the parking has worked and will continue to work, is that it is being centrally managed. There are additional parking assets, both public and private, that are part of the overall plan. These are the four parking areas that from an arena point of view that we have priority use for, exclusive use for, actually, on the night of events; Parking Lots A, B, C and D, and for that, the county has agreed that if there were any shortfalls relative to operating of these four lots for arena events, we would cover those up to \$225,000. Again, we get a report each month and we are continuing in conversation and working with the people at the city and with the Wichita Downtown Development Corporation to make sure that the parking plan works.

“These are the four lots, and in fact there is a fifth lot shown on this graphic, the employee parking lot, which is underneath Kellogg at the end of Commerce Street, 103 parking spaces down at that there for employees of the arena. Again, these are the various parking lots and the totals. The May activity report, again, happy to report that the total revenue out of those four lots; \$21,823. The total operating cost, again, these are just for arena events; \$4,564, so the net income to the city for these four lots; \$17,259. Again, I just point out these numbers are city-owned lots, for A through D only, and the net income for the entire arena parking system as of May 15 is only \$16,650 and it’s not included, when we talk about parking and coordination, that does not include the city-provided public safety. The Wichita Police Department which provides, not only parking management, traffic management, but also making sure there is a law enforcement presence in the area during arena events for public safety purposes. January through May, we have a net income of \$75,601. The point is, again, as we move through this year, I think it is safe to say that there will not be a requirement that we’ll have to spend any dollars toward that commitment of the \$225,000, which is good news, and we would expect that that would continue into the future as well.”

“Transit, again, here are the goals and objectives, the terms of the agreement. Transit services will be provided for all arena patrons who choose to park outside of a reasonable walking distance. The parking plan says park close; pay, park further away, and within the downtown area, you will have an opportunity to not have to pay but will have options of catching a shuttle to the arena for arena events. This agreement started January 1 and will be looked at and renewed January 1 of each year. These are the basic services that are being provided as a part of this contract. For large events, the arena is responsible for working with Transit Services to add additional shuttle services as might be required for those larger events. Because our agreement calls for \$93,120 a year to be paid to the city for our portion of providing this expanded shuttle service, however, because Wichita Transit was able to get a federal grant, that \$93,120 is reduced to \$32,500 for the first three years. The monthly activity for May, there were 3,073 riders on the Q-Line for arena events. Most notably, you

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see there the Sarah Palin, Nickelback, Star Wars, Brooks and Dunn concert, it's where most of those numbers come from. January through May, we've had 30,639 riders. And, again, compared to all of 2009 for this Q-Line route, it was 7,500.

"The O&M (Operations & Maintenance) reserve as of May 24th, 2010, stands at \$15,898,448.83. This is the amount that Mr. Chronis, the final report that he gave to you and to the Arena Sales Tax Oversight Committee documented this amount. It includes reimbursements from naming rights partners and sponsors for signage costs we incurred, as well as proceeds from the sale of property acquired for the project, but subsequently determined to be unnecessary. And as we go through subsequent years, there will be spending from this account, but there will also be some additional funds added back to this account based on some aspects of what's included there. Again, these are the authorized uses for that sales tax revenue. In fact, when we make next month's report, we have made our first, or the 2010 payment, for the Q-Line, so there will be some accounting for that. We don't believe this year, and hopefully well into the future, no need for any of that \$225,000 to be paid.

"Major repairs and equipment at the Kansas Coliseum, you voted last week to do some capital work at the Coliseum, so once that's completed it will be charged against this account. Any operating deficits that the Kansas Coliseum, and we hope them to be minimum as compared to the last few years, but we will have, at the end of this year, some operating deficit at the Kansas Coliseum that will be paid out of this account. And then any operating deficits incurred by the county to operate the arena, we do not expect, absolutely do not expect, as you see from the report, any operating deficits to be paid out of this account. We will, before October 1, receive a capital improvements plan for 2011 from the arena, and we'll work that through the project team, have discussions with you about it before January 1, so that we'll have some idea about what the capital improvements, if any, will be at the arena for next year and what the expenditures will be related to those."

Mr. Holt continued, "Upcoming events: REO Speedwagon on the 13th, Rascal Flatts on the 22nd, Celtic Women on August 7th, Dave Matthews on August 14th, Rush on August 20th, Carrie Underwood on the 19th of October and then the Radio City Christmas Spectacular will be here November 20-21. I think there's one event, but five performances related to that event in November. Commissioners, that concludes the report, and I heard Kristi's intro for the meeting this morning, and I tried to help with the prolonging of this meeting by going as slow as I could, and my being not here at the podium at the beginning was part of my planned action to help prolong the meeting. Not really. Thank you. I'd be happy to answer any questions you might have."

Chairman Peterjohn said, "Thank you. Comments or questions for Mr. Holt? Commissioner Parks."

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Commissioner Parks said, "You say the operating deficits at the Kansas Pavilions, are you going to be here later in the meeting when I address some of that under 'other?'"

Mr. Holt said, "I will make sure that..."

Commissioner Parks said, "Okay."

Mr. Holt said, "...with that heads up, I'll make sure I'm here, yes, sir."

Commissioner Parks said, "I guess that I was going to ask the same question that I asked yesterday, and maybe you've had time to get an answer for me on that."

Mr. Holt said, "On the generator?"

Commissioner Parks said, "Yeah. Well let's go ahead and talk about it then. On the auction, on the online auction, we have a generator 30 kW (Kilowatt) for sale, and one of my concerns was, I know during the Barton Solvents disaster in Valley Center that that was a shelter, emergency shelter, and a possibility in the future, you know, Katrina, our own Emergency [Management] preparedness people had set up some contingency things for that. In a time of a possible disaster, are we not going to have a generator then at Britt Brown [Arena]?"

Mr. Holt said, "Thank you, Commissioner, I have got more information on that. As you know, Britt Brown is what we call in a mothball state. Now what that means is that all of the water, except for what would be needed for fire protection, has been shut off from the building. The temperatures in the building are maintained at very low levels, but attempting to maintain them at a consistent level so that you don't have the up and down temperatures which causes deterioration, with the idea that as we proceed here, some future use of Britt Brown would be determined, either through and/or for and by the county, or in some other manner. And so, in the future, we would not anticipate, we have not anticipated that Britt Brown, if we had that kind of need for sheltering, that Britt Brown would be available to do that. However, the pavilions would be available for that, and we do have, at the time we upgraded the pavilions a couple of years ago, we did purchase a generator, and so those, we do have an additional generator out there that we would be able to operate the pavilions on, should we need the sheltering and there was no electricity to the property."

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Commissioner Parks said, “Okay. Well that was my next question is, could we use the pavilions in such an emergency event, considering that there’s not going to be anything in there. However, after a meeting yesterday with the Manager and one of the stakeholders, I think we’re going to be shooting for 360 day occupancy of the Kansas Pavilions, so...”

Mr. Holt said, “That would be great.”

Commissioner Parks said, “...it could be full all the time, and that’s what we’re looking forward to.”

Mr. Holt said, “Certainly if we had an event booked there and we had the kind of disaster that would require sheltering, and especially if there was no electricity, of course, we have a clause in those contracts where those events would not happen and we could have the sheltering take place in the pavilions.”

Commissioner Parks said, “Thank you.”

Chairman Peterjohn said, “I’ve got a couple of questions to throw out. There was some comment in the news media about the fact that the Jonas Brothers concert was cancelled for here, but my understanding is that it was also cancelled a number of other places around the country, would you comment on that, please?”

Mr. Holt said, “That’s correct, Commissioners. The Jonas Brothers concert for the Intrust Bank Arena was cancelled, along with about, I think, 15 or 20 other locations across the country. They, in the process of setting their U.S. (United States) tour, were also in the process of establishing an international tour. I think the international tour, as my understanding, came together much faster than what they had anticipated, and of course, they’re balancing, do I do the international and get huge, huge crowds, which spells big bucks, or do I continue to do the U.S. tours? And they’ve elected to cancel about, again, I think it’s up to 20 U.S. sites and replace them with international tour sites, with the, I won’t call it promise, but they indicated that they would take a look at redoing some of those U.S. tours.

“All of these folks who had purchased tickets by credit card at the arena, through the arena, through Select-A-Seat or through the Select-A-Seat outlets were automatically, directly refunded their payment. Anyone having a Jonas Brothers ticket, and paid cash for it at the arena site, at the arena box office, or through Select-A-Seat, can bring that ticket stub to the arena and will get reimbursed. Folks who purchased tickets through other outlets and so forth, they’ll have to work with those

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outlets. The arena manages Select-A-Seat and its outlets, as well as the box office there. If you purchased online through Live Nation, they also, if you did it with a credit card, you got an immediate credit back to your account. But that was a general, across the country cancellation.”

Chairman Peterjohn said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Ron, back to your report, you may have said this in your presentation, but the other net income category, what is included in that? Is that just commission on sales or something?”

Mr. Holt said, “The other income on, I believe you have a handout there, on slide 21, the other operating income includes: Select-A-Seat, other venue ticket services, loge box and club seat arrangements, and advertising and sponsorships.”

Commissioner Unruh said, “Okay. And that’s under the other net income category, is that right?”

Mr. Holt said, “That’s under other operating income...”

Commissioner Unruh said, “Okay.”

Mr. Holt said, “...the other net income includes: luxury box tickets sales, ticket service fees and facility fees.”

Commissioner Unruh said, “Okay.”

Mr. Holt said, “So there’s other net income, that’s the luxury box ticket sales, ticket service fees and facility fees. And then there’s other operating income that relates to Select-A-Seat, loge box and club seat arrangements, and the advertising and sponsorships.”

Commissioner Unruh said, “Okay. Thank you for that clarification. That’s all I had.”

Chairman Peterjohn said, “Well thank you, Commissioner Unruh, you asked a question I was going to ask, in terms of net operating, and that leads me into my question concerning exactly luxury or loge box, and club seats, do we have some still available for sale, and if so, is there any sort of an update, in terms how those sales are proceeding?”

Mr. Holt said, “I’m trying to recall, the last discussion I had about that was about two months ago. There are still club seats available, if persons are interested in buying individual club seats, and of course you can buy multiple numbers. The loge boxes are all sold out. There are no loge boxes

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available. And I believe there's only, maybe there's two, luxury boxes for sale. Although, I know, and I don't know if this has been consummated or not, one of the loge box owners was talking to the arena about upgrading to a suite, and if that's the case, then one of the suites is no longer available, but a loge box may be available. But it's been a couple of months since I talked to the management over there about where they were with those. We do have two party suites that are double suites. They are rented or leased on an event by event basis, and of course the idea was, if the demand for the premium suites became high enough, then we would convert one or both of those. One conversion would mean you'd have two additional suites, both being converted means you'd have four additional suites available."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "On page 14 of your presentation, and you don't necessarily have to go back and put it back up on the screen, but I just had some questions about the attendance versus tickets sold. The attendance and tickets sold, like on PBR, being Professional Bull Riding not Pabst Blue Ribbon, but the attendance and the tickets sold, the difference there was about 1,600. Down on Daughtry, it's about 313, Brooks and Dunn was 134. Where does that discrepancy between those two numbers come from? Are there that many comp [complimentary] tickets, or what is the situation there?"

Mr. Holt said, "That's correct, Commissioner. Almost with every event, the promoter, the show themselves gives a number of tickets to sponsors, to sometimes community groups, and using a general classification, you can call all of those comp tickets, so those comp tickets account for the difference between tickets sold and attendance. What we're counting in the tickets sold is what the arena managed, either at the box office, or through Live Nation, or through Select-A-Seat and/or Select-A-Seat outlets. And attendance, of course, are the people who came through the door, and so many of the comp ticket folks attended, which would make the attendance higher than the ticket sold. And that happens on most events, especially you'll see that a lot on the hockey. The hockey holds back a number of tickets for their sponsors, to give to their sponsors, who then, in turn, give them to their customers and so forth, and so especially during the hockey season, you'll see the tickets sold number being almost every game considerably less than the attendance."

Commissioner Parks said, "And how is that handled with the number of dollars that per se were lost and our contract with applying that towards the \$450,000 annual threshold, how is that..."

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Mr. Holt said, “While it’s not a direct application from what those comp tickets are to what the building rent is, but that is taken into consideration as you determine what the building will rent for with the group that you’re working with.”

Commissioner Parks said, “So we’re not at a loss for those tickets?”

Mr. Holt said, “That’s correct.”

Commissioner Parks said, “Okay.”

Mr. Holt said, “It’s part of the deal, meaning it’s part of getting the event here, getting the show here and it’s the negotiating that happens there, with the focus of the building being on what is the building rent and what are the opportunities for food and beverage sales, quite frankly.”

Commissioner Parks said, “Thank you.”

Chairman Peterjohn said, “Seeing no further questions, I’m going to move that we receive and file this report.”

MOTION

Chairman Peterjohn moved to receive and file.

Commissioner Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

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Mr. Holt said, "Thank you, Commissioners."

Chairman Peterjohn said, "Thank you. Next item."

D. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE TOWNSHIP SYSTEM. DISTRICT 3.

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "We recently constructed a frontage road on the south side of US-54 between 119th Street West and 135th Street West. This resolution assigns the frontage road to Attica Township from the Wichita city limits, which is near the bridge that would be about a half-mile long from the Wichita city limits to 135th Street West. The Attica Township Board was informed that this resolution would be on the Commission Agenda by letter on June 15th, and I recommend that you adopt the resolution."

MOTION

Chairman Peterjohn moved to adopt the Resolution.

Commissioner Parks seconded the motion.

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "And when the City of Wichita annexes that then, that will be their property then or theirs to maintain?"

Mr. Spears said, "Correct. They've already annexed up to the bridge, about a half a mile of it, and it's theirs, but this other piece would be Attica Township's."

Commissioner Parks said, "I know from seeing some of the planning documents that that's a move that I anticipate they will make and then that will be turned over to the City of Wichita then."

Mr. Spears said, "The biggest thing right now is the mowing along the road, and we actually did it for them the first time, and now they'll take it over from here on. The road's in good shape itself, really won't require anything for the next three years."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "Let me ask, did we receive any communication back from the Attica Township Board?"

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Mr. Spears said, “No, we’ve talked to them on the phone, and we sent them a letter and told them it would be on today, and there was no response.”

Chairman Peterjohn said, “Let me just, for the record, provide an opportunity if there’s anyone here in the audience, or anyone from Attica Township who would like to speak on this Agenda item, please raise your hand and proceed to the microphone. Seeing none, I’m going to turn it back to Mr. Spears for questions or comments. If there are no further questions or comments on this item, I’m going to call for the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Mr. Spears said, “Thank you.”

Chairman Peterjohn said, “Thank you. Next item.”

E. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON JULY 1, 2010.

Mr. Joe Thomas, Senior Purchasing Agent, Purchasing, greeted the Commissioners and said, “There are three items for consideration that resulted from the meeting of the Board of Bids and Contracts of July 1st. Item 1;

**1. UPDATE MAIN COURTHOUSE ELEVATOR LOBBIES and LOBBY RESTROOMS – FACILITIES DEPARTMENT
FUNDING – ELEVATOR LOBBIES AND RESTROOMS**

“The recommendation is to accept the low bid from Diggs Construction, LLC in the amount of \$875,281 and to establish unit pricing. Item 2;

**2. OUTSOURCED PRINTING SERVICES – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – VARIOUS DEPARTMENTS**

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“The recommendation is to accept the low overall proposal from Acme Lithographers and establish contract pricing for one year with two one-year options to renew. And Item 3;

**3. QUARTERLY RCS SUPPORT RENEWAL – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – TAX SYSTEM MAINTENANCE**

“The recommendation is to accept the not to exceed amount of \$36,167.78. I’ll be happy to answer any questions and recommend approval of these items.”

Chairman Peterjohn said, “Comments or questions for Mr. Thomas? If not, what is the will of the Commission concerning the Board of Bids and Contracts?”

MOTION

Commissioner Unruh moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Mr. Thomas said, “Thank you.”

Chairman Peterjohn said, “Thank you. Next item.”

F. CONSENT AGENDA

- 1. One (1) Temporary Construction Easement and One (1) Permanent Easement for Drainage for Sedgwick County Project 801-DD-5280; Bridge Project on**

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151st Street West between 103rd Street South and 119th Street South; CIP# B-443. District 3.

- 2. Affiliation Agreement with S.E. Enterprises.**
- 3. General Bill Check Register of June 23, 2010 – June 29, 2010.**
- 4. Payroll Check Register for the week of June 19, 2010.**
- 5. Plat.**
Approved by Public Works. The County Treasurer has certified that taxes in 2009 and all prior years have been paid for the following plat:

Jayhawk Landing Addition

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “Commissioners, you have the Consent Agenda before you and I would recommend you approve it.”

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, “Comments or questions? Commissioner Parks.”

Commissioner Parks said, “I do have one question about the first item, about the construction easement, just wanted to make sure, for the record, that no condemnation was needed for this easement?”

Mr. Buchanan said, “That’s correct.”

Commissioner Parks said, “Thank you. That’s all I had.”

Chairman Peterjohn said, “Thank you. Seeing no further discussion on the Consent Agenda, please call the vote.”

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VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Chairman Peterjohn said, "Next item."

G. OTHER

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "Had a great 4th of July parade, or actually on the 3rd, at Park City, and a lot of festivities there. I did want to reiterate, we've talked about it, this will be the third time now, about the online auction. I've been keeping track of some things there. There's a basketball court for sale. That was the last one that K-State (Kansas State University) and WSU (Wichita State University) played on in this area, and that was out at Britt Brown when [Charles] Koch Arena was being redone. Your opportunity to purchase that basketball court. And as we talked about a little bit earlier, there's a 30 kW generator that's going away too cheap. There's popcorn machines, other things that just everybody should go in and look at that, and see what you need, and especially those places that need to have those kind of items to run their, whether it be a church, or a non-profit, or Lions Club, or anything like that. So wanted to bring that up. Thank you."

Chairman Peterjohn said, "Thank you. I'm going to mention a couple of items, because on a lighter note and a fun note, although I'm sure a parade in any of our communities would be a good time like we had last week, weather cooperating and sometimes it sure didn't, I'd like to point out that we've got the Sedgwick County Fair coming up, and they're going to have a parade tomorrow night out at Cheney, and welcome everyone to come on out and have a great time at the Sedgwick County Fair. There's going to be a lot of events going on, and the parade's just going to kick off part of the whole weekend of activities out there, and I think that's going to be an exciting time. And I'm glad to see there's plenty of exciting times going on at the Kansas Pavilions. We've renamed it, and the intent to have more events, more days occupied out there, I think, is a good one. I think the effort to expand its usage would be a real positive, because I think it's going to be a great

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facility, especially after we get a couple of the...some of the repairs and improvements that the Commission recently approved put in place.

“In terms of some other items, you know, we did have a very damp weekend, and that led to some, obviously, some flooding concerns and problems, and I’ve been taking constituent calls and communications on that. But I’d also like to throw out the opportunity for the folks who are either here in the audience, or also seeing it online, or via KPTS (Kansas Public Telecommunications Service), if you have feedback on the county’s new fireworks resolution and how the new fireworks law that we put in place is or is not working, as people see it, because this was a significant change for the unincorporated areas in Sedgwick County. I do think there’s a little confusion out there, because while this County Commission has the responsibility for the unincorporated areas in Sedgwick County, the incorporated areas that are inside municipality boundaries, each municipality has the ability and does exercise it to set their own rules. So this is a multi-jurisdictional issue and I think there’s a little confusion out there perhaps on that.”

“I’m also going to add that we have, as of this morning, 1,541 people in the Sedgwick County Jail. And interestingly enough, just a slightly smaller number in Community Corrections from the most recent data I’ve got available. Out of those 1,541, 141 are in Work Release, and when you break that down, we had about 460 that are classified as maximum security, 542 who are medium security, and 543 who are minimum and then a small number of unclassified to round out that total. We’ve also got a number of folks, over 200, out of county, and we had 75 open beds this morning; 15 female and 60 male. So those numbers will be moving out and we’ve got a little bid of a, because of the holiday week that we had here, that makes the routine a little bit different than what we normally have, but I provide that as a weekly update, because trying to keep this community safe is an ongoing proposition, and with the court systems, the police and Sheriff’s offices, we’ve got a large challenge in front of us and I think it’s important for the public to have this information out there. I’m going to now recognize Commissioner Unruh.”

Commissioner Unruh said, “Thank you. On a completely different subject, I just wanted to announce, or remind everyone, that a new exhibit at the Wichita Art Museum that Sedgwick County has had a small part in supporting, it’s called ‘In Plane View,’ and it has to do with airplane manufacturing and it’s an issue that’s close to, I think, everyone in South Central Kansas. So I just recommend folks to take in that art exhibit. I think you’ll find it both interesting and stimulating. And while you’re there, you can also look at the other exhibits at the Wichita Art Museum. It’s a great asset in our community and a good way to enrich your life by taking advantage of those exhibits.”

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Chairman Peterjohn said, "I'm going to second Commissioner Unruh's comments, because the Wichita Art Museum is also unique because they've got a very generous benefactor who has provided that Saturdays are free admittance to the art museum. And the 'In Plane View' exhibit is a great opportunity for this community, in terms of artwork, but if you go on Saturdays, you can get in free. Commissioner Parks."

Commissioner Parks said, "Just a matter of procedure. Are you going to take up the Fire District meeting before we ask for Executive Session so we can release our personnel there?"

Chairman Peterjohn said, "I think a recess would be in order from the Board of County Commissioner's meeting and we'll do so."

The Board of County Commissioners recessed into the meeting of the Fire District #1 at 10:03 a.m. and returned at 10:07 a.m.

MOTION

Commissioner Parks moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, legal advice and personnel matters of non-elected personnel, and that the Board of County Commissioners return to this from Executive Session no sooner than 10:20 a.m.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Chairman Peterjohn said, "We're in recess for Executive Session."

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The Board of County Commissioners recessed into Executive Session at 10:08 a.m. and returned at 10:25 a.m.

Chairman Peterjohn said, "I'm going to call this meeting back to order from Executive Session and recognize the County Counselor, Mr. Euson."

Mr. Euson said, "Thank you, Mr. Chairman. While in Executive Session, we had some discussion that did not result in any necessity to take any formal action and so we have no announcements to make at this time."

Chairman Peterjohn said, "Thank you. Seeing no further discussion, I'm going to make a motion that we adjourn."

MOTION

Chairman Peterjohn moved to adjourn.

Commissioner Parks seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Chairman Peterjohn said, "We're adjourned."

H. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:26 a.m.

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DRAFT

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

KARL PETERJOHN, Chairman
Third District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

July 28, 2010